



IOWA SUPREME COURT RULING – SIMPLE MISDEMEANOR CASES

Ruling. The Iowa Supreme Court in [State v. Archaletha Latrice Young](#), No. 13-1226 (Iowa 2015) found that “an accused in a misdemeanor criminal prosecution who faces the possibility of imprisonment has a right to counsel. When a right to counsel has not been afforded, any subsequent conviction cannot be used as a predicate to increase the length of incarceration for a later crime.”

Background. The case dealt with appointment of counsel for simple misdemeanor charges. At the initial appearance in 2003, without counsel, the defendant pled guilty to a theft in the fifth degree charge (simple misdemeanor). Approximately 9.5 years later, the defendant was arrested for allegedly stealing \$94.87 worth of clothing. Based on the value of the items, this would be a simple misdemeanor offense. The prosecutor filed trial information alleging theft in the third degree under Iowa Code section [714.2\(3\)](#). The penalty is an aggravated misdemeanor; this is a penalty enhancement. One of the theft convictions included in the number of prior convictions was the 2003 case where the defendant did not have legal counsel. The defendant challenged the enhancement to third degree theft, filing a motion to strike the 2003 conviction as a basis to support the enhanced penalty of an aggravated misdemeanor because the defendant was not represented by counsel when she pled guilty and served a term of incarceration.

Decision. The [Iowa Supreme Court](#) reversed the decision of the district court to permit the enhanced charge. The case was remanded to the district court for further proceedings.

Costs of Legal Counsel. Currently, Iowa Code section [815.7](#) sets the hourly rate at \$70.00 per hour for Class A felony cases, \$65.00 per hour for Class B felony cases, and \$60.00 per hour for all other cases. Fee limitations by type of case are also established in Iowa Administrative Code [493-12.6](#). The fee cap for a simple misdemeanor case is \$300 and a serious misdemeanor case is capped at \$600, per the administrative rule. The fee caps may be and are waived by judges. According to the [Office of the State Public Defender](#), current fees for serious misdemeanor cases handled by the private bar averaged \$447 per case in FY 2014. Claims for simple misdemeanor cases may be comparable to the average cost per case for serious misdemeanors handled by the private bar. The average cost for simple misdemeanor cases staffed by the Office of the State Public Defender was \$300 in FY 2014.

Fiscal Impact. The Iowa Supreme Court decision increases the likelihood that more defendants may be provided an attorney for simple misdemeanor charges. However, there are many unknown factors, such as the rate of indigence of simple misdemeanor defendants, how the ruling may be applied to simple misdemeanor cases (all simple misdemeanor cases vs. only enhanceable offenses), and how many defendants will waive their right to court-appointed counsel. The case was decided on April 3, 2015.

Additional Information. The Office of the State Public Defender has 147 attorneys staffing approximately 87,000 cases annually. The Office concentrates efforts on higher cost felony cases. The private bar generally handles less complex misdemeanor cases.

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